New India Assurance Co. Ltd. Vs Salochna Devi & Ors.

FAO No.94 of 1999

24.06.2022 **Present:** Mr. None for the non-applicant-appellant.

Mr. Neerahj Gupta, Senior Advocate with Mr. Janesh Gupta, Advocate for the applicants.

CMP Nos.6778 and 7777 of 2022

The legal heirs of original respondent No.6, Smt. Rattni Devi, have filed these applications for release of compensation amount awarded in favour of Smt. Rattni Devi by learned Motor Accident Claims Tribunal, Hamirpur, H.P. in the award dated 14.12.1998. It has been submitted in these applications that Smt. Rattni Devi has died on 14.06.2011 i.e. after the decision of the main appeal preferred by the insurer against the award dated 14.12.1998. Her death certificate is placed on record. The legal heirs certificate of late Smt. Ratni Devi has also been placed on record as Annexure A-1. In terms of this certificate, she is survived by her seven legal heirs. The present applications have been moved by two of them, namely, Shri Ashwani Kumar and Smt. Sureshta Devi, claiming 1/18th share each, out of the compensation amount falling to the share of Smt. Rattni Devi.

There is no opposition to these applications on behalf of the non-applicant-appellant. The service of the applications was refused on behalf of the non-applicant-appellant as per the endorsement made on the applications.

The main appeal filed by the insurer was dismissed by this Court vide judgment dated 19.05.2006. As per the averments made in the applications, amount of compensation falling to the share of respondent No.6 Smt. Rattni Devi, in terms of award in question, is lying undisbursed in the Registry of this Court, therefore, for the reasons stated in the applications, the same are allowed. Out of the compensation amount falling to the share of respondent No.6-Rattni Devi in terms of judgment of this Court, 1/18th share each in favour of her two legal heirs, namely, Ashwani Kumar and Smt. Sureshta Devi, is ordered to be released alongwith up to date interest by remitting the same in their respective bank accounts, details whereof have been given in the applications. The applications stand disposed of.

Jyotsna Rewal Dua
Judge

June 24, 2022
(R.Atal)